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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,308	11/25/2003	Yuhong Zheng	1-23791	7071

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EXAMINER

BUTLER, DOUGLAS C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/721,308

Applicant(s)

ZHENG ET AL.

Examiner

Douglas C. Butler

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 9-17 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

15

### **DETAILED ACTION**

1. The election requirement is withdrawn.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1 and 9-17 are allowed.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 5-195735 to Shigeru Kamegaya published Aug. 3, 1993, newly cited.

The preamble of instant claim 2 recites a clause "for controlling the pressure in an electrohydraulic braking system ..." not considered to carry any significant patentable weight in the method claims.

Kamegaya discloses a valve 71 of a valve arrangement controlled by comparing sensed pressure at pressure accumulator 70 with a preset or predetermined accumulator pressure. See the Abstract of Kamegaya which states that:

"An accumulator 70 to accumulate the oil supplied from an oil pump 64 is connected between it and a hydraulic selector valve 66. Between these accumulator 70 and oil pump 64 a second hydraulic selector valve 71 is interposed which decides if the oil pump is to be operated or not. A target pressure setting means 74 heightens the target pressure of the accumulator 70 when can is switched to the side operating an actuator 63, and lowers the target pressure after elapse of a certain period of time. A comparing means 76 compares the actual oil pressure of the accumulator with the target pressure, and only when the actual is lower, a drive control means 77 opens the second hydraulic selector valve 71 to generate communication through a hydraulic path 65."

6. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Schmidt et al (6,679,569), newly cited.

Note the Abstract which states that:

"In a method and a device for controlling a brake system, the wheel brake pressure is set at the wheel brakes electrically as a functions of the driver's braking input. The high-pressure supply arrangement for pressure buildup, for which at least

Art Unit: 3683

one pump and one accumulator are provided, is monitored by comparing the change in accumulator pressure to a least one permissible limiting value. In the case of a fault in the pressure supply, it is made possible for the driver to grip through hydraulically to the wheel brakes."

See claims 1 and 6 of Schmidt et al which teach together with the Abstract the subject matter of instant claim 2 which is directed to sensing and comparing pressure at an accumulator and adjusting or controlling a valve based upon the comparison, which appears to be what is broadly recited in instant claim 2.

7. Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number (703) 308-2575.



DOUGLAS C. BUTLER  
PRIMARY EXAMINER

3/10/05

AV3683

Butler/vs  
March 8, 2005